

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 700 INMATE REGULATIONS</b>	<b>SUPERSEDES: AR 708 (09/09/02)</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATIONS 708 REFERRAL FOR CRIMINAL PROSECUTION</b>	<b>EFFECTIVE DATE: 10/10/03</b>

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	<u>MANDATORY REVIEW DATE</u>	<u>09/09/04</u>

### **PURPOSE**

To provide a policy for prosecutor referrals on an inmate alleged to have committed a criminal act while incarcerated.

### **AUTHORITY**

NRS 209.131  
NRS 228.160

### **RESPONSIBILITY**

Referrals for criminal prosecution are the responsibility of the staff at the facility or institution where the alleged violation occurred, regardless of where the inmate is subsequently transferred, and regardless of where the internal disciplinary proceedings are held.

The Referral Coordinator at each institution/facility shall retrieve all pertinent information and ensure that a referral packet is completed and forwarded in a timely manner.

## **DEFINITIONS**

**CRIMINAL CONDUCT** – Behavior that is in violation of any local, state, federal statute.

**REFERRAL COORDINATOR** – The responsible person at each institution/facility who coordinates the referrals for prosecution. The staff person assigned to this duty must be of a grade no lower than Lieutenant (uniformed staff) or Caseworker II (non-uniformed staff).

## **APPLICABILITY**

This regulation applies to all staff and inmates within the Department.

## **PROCEDURES**

### **708.01 REFERRAL FOR CRIMINAL PROSECUTION**

1.1 The Department will refer incidents involving alleged criminal conduct for review for prosecution. **(3-4219)**

1.1.1 All referrals will be sent to the Inspector General's Office for initial review.

1.1.1.1 The original referral documents, and one complete copy, will be forwarded.

1.1.1.2 A copy will be placed in the inmate's I-File and the Referral Coordinator will keep another on file.

1.1.2 Criminal referrals are not a disciplinary sanction and may not be negotiated as part of any inmate's disciplinary proceeding.

1.1.3 The initiation of the criminal referral does not require the completion of the inmate's disciplinary process.

1.2 All referrals for criminal prosecution will be made on the forms attached to this regulation.

1.3 The Attorney General has primary jurisdiction over all offenses committed by Department inmates, regardless of the site of the crime.

1.4 A statement from the Referral Coordinator regarding the inmate's release status (parole or discharge) will accompany the referral.

1.4.1 The statement will provide the inmate's projected parole or discharge date.

1.4.2 If an inmate pending a referral for criminal prosecution is scheduled for release within 60 days, the Referral Coordinator will immediately inform the Correctional Case Records Manager of the pending criminal referral.

1.5 The referral for prosecution package shall include, but is not limited to:

- Memorandum from Referral Coordinator summarizing the incident;
- Request for Prosecution using Form DOC-1501;
- Provide a Witness List DOC-1501a;
- Evidence Record and Chain of Evidence must be provided on Form DOC-1501b;
- Copy of Incident folder, including, but not limited to, original photographs, Use of Force Reports, informant information, shift reports, staff written reports, videotapes, tape recordings of statements, etc.
- Pre-sentence Investigation Report(s);
- All written reports;
- Judgment(s) of Conviction(s);
- Initial Classification Summary;
- Most recent Certificate(s) of Board of Parole Commissioners action;
- Copy of fingerprint card;
- Copy of Mug Shot;
- Any other information that may be pertinent to the prosecution such as Departmental Investigators' reports, medical reports, unit logs will also be submitted.

1.6 The Referral Coordinator will establish a log to track these referrals.

1.7 Any support by local law enforcement agencies (such as investigation, lab tests, etc.) shall be documented on the referral to the Attorney General and shall be accompanied by any and all police reports, lab tests and interviews.

## **REFERENCES**

ACA Standard 3-4219

## ATTACHMENTS

DOC Form 1501  
DOC Form 1501a  
DOC Form 1501b  
DOC Form 1528

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**                      XX  
                          Yes                No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**